IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4470 OF 2005

Safan Abdul Sattar Patel & Ors. ..Petitioners.

Versus

State of Maharashtra & Ors. ..Respondents.

Mr. S.A. Bhagwat for the Petitioners.

Mr. A.H. Palekar, AGP for Respondents.

CORAM : S. A. BOBDE, J.

DATED : 12TH JULY, 2005.

P.C.:

1. Rule, returnable forthwith.

2. Mr. Palekar, learned AGP waives service of rule for the respondents.

3. Heard by consent.

4. The only grievance of the petitioners is that the interim order dated 09.05.2005, granting stay till the date of hearing i.e. on 27.06.2005, has not been extended by the impugned order dated 27.06.2005. No

reason has been given for not extending the interim stay. The matter was not heard on 27.06.2005. The order clearly suffers from non-application of mind results in miscarriage of justice. Therefore, I am of view that the interim order dated 09.05.2005 be extended, which I hereby do, till hearing of RTS Appeal No. C/RTS/A-5/2005, unless there are good and sufficient reasons for vacating the stay, which the Dy. Collector will have to record in case he wishes to vacate the stay.

5. Rule is partly made absolute in the above terms.

12.07.2005 (S.A.BOBDE,J.)

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